

**IN THE UNITED STATES DISTRICT COURT  
FOR THE DISTRICT OF NEBRASKA**

WINES, VINES AND CORKS, LLC,

Plaintiff,

v.

FIRST NATIONAL OF NEBRASKA,  
INC., FIRST NATIONAL BANK OF  
OMAHA; FIRST NATIONAL  
MERCHANT SOLUTIONS, LLC; and  
FRONTSTREAM PAYMENTS, INC.

Defendants.

CASE NO.: 8:14-CV-00082

**Defendant First National  
Merchant Solutions, LLC's (n/k/a  
TSYS Merchant Solutions, LLC)  
Motion to Dismiss Class Action  
Complaint**

Defendant First National Merchant Solutions, LLC (n/k/a TSYS Merchant Solutions, LLC) ("TMS") moves the Court, pursuant to Federal Rule of Civil Procedure 12(b)(6), to dismiss the Class Action Complaint for failure to state a claim. In support of this Motion, TMS submits the accompanying Brief.

Wherefore, TMS respectfully requests that the Court dismiss this action with prejudice.

Respectfully submitted this 18th day of April, 2014

FIRST NATIONAL MERCHANT SOLUTIONS,  
LLC (n/k/a TSYS MERCHANT SOLUTIONS,  
LLC), Defendant

By: s/Kenneth W. Hartman

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### **CERTIFICATE OF SERVICE**

I hereby certify that on April 18, 2014, I electronically filed the foregoing with the Clerk of Court using the CM/ECF system, which will send notification of such filing to the following:

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